

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, February 21, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Alderman Benjamin K. Mallicote

Alderman Michael McIntire

Vice Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

Joseph E. May, Assistant City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Logan Hewlitt.
- II.B. **INVOCATION:** By Ed Clevinger, Pastor – Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. **J. Fred Johnson Stadium Update** – BOE Appointed Committee.
Due to some of the committee members not being present yet, this item was postponed until after the consent agenda.

V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Shupe, to approve minutes for the following meetings:

- A. February 6, 2012 Regular Work Session
- B. February 6, 2012 Special Called Business Meeting
- C. February 7, 2012, Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

- 1. **Public Hearing and Consideration of Ordinance Establishing a Golf Course Community Zoning District** (AF: 31-2012). City Planner Karen Combs provided information on this item, noting this would adhere to the original plan. Mayor Phillips pointed out it would also protect the neighborhood from a business going in.

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PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, ARTICLE III, TO ESTABLISH GOLF COURSE COMMUNITY DISTRICT ZONING; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of an Ordinance Vacating Two Alleys Located Behind 301 East Center Street and Declaring the Property Surplus (AF: 32-2012). City Planner Karen Combs gave details on this item, stating the Bank of Tennessee needed these alleys to incorporate them into their redevelopment plan. Alderman Joh pointed out that the bank does own all of the surrounding property.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO VACATE FOR PUBLIC USE AND DECLARE SURPLUS TWO ALLEYS SITUATED IN KINGSPORT, TENNESSEE, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Kingsport Community Foundation (AF: 43-2012).

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM KINGSPORT COMMUNITY FOUNDATION FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend Project GP0902 Budget by Appropriating Funds from the Criminal Forfeiture Fund (AF: 55-2012). City Manager Campbell provided details on this item, stating this would purchase the last key piece of software for the police department. Mayor Phillips pointed out that the criminals would be paying for it.

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Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY TRANSFERRING FUNDS FROM THE CRIMINAL FORFEITURE FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Amend Various Projects
(AF: 56-2012).

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

**1. Consideration of an Ordinance to Annex/Amend Zoning of the
Old Mill Annexation (AF: 34-2012).**

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6176, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE OLD MILL ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Shupe, to pass:

ORDINANCE NO. 6177, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FALL CREEK ROAD, WOODOAK DRIVE, GRANDVIEW COURT, OLD MILL ROAD, OLD MILL COURT, STONE COURT, AND TRACE COURT TO A-1, AGRICULTURAL DISTRICT, R-1B, RESIDENTIAL DISTRICT, R-3, RESIDENTIAL DISTRICT, AND B-1, NEIGHBORHOOD BUSINESS DISTRICT IN THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Public Hearing and Consideration of an Ordinance to Amend
Zoning of Parcel 30 on Tax Maps 92G, 92J, 92O, 92I located at 252 Lebanon Road
from R-1B Zoning to A-1 Zoning (AF: 33-2012).** Vice-Mayor Parham pointed out this was a request of Mr. James Brotherton and would enable lower taxes on this property. City Manager Campbell noted this area was 99 acres and included the Harris Farm.

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Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6178, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 252 LEBANON ROAD FROM R-1B, RESIDENTIAL DISTRICT TO A-1, AGRICULTURAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute All Documents Necessary for Property Acquisition for the Kingsport City School System (AF: 46-2012).

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2012-143, A RESOLUTION APPROVING AN OFFER AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1808 – 1810 EAST CENTER STREET

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute Rights-of-Way Easements with Kingsport Power Company (AF: 49-2012).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2012-144, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHTS-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply for and Receive an Area Agency on Aging and Disability Grant for FY12-13 to Help Defray the Costs of ADA Transportation and to Provide Wellness, Recreational and Educational Opportunities for the Members of the Kingsport Senior Center (AF: 47-2012).

Motion/Second: Shupe/McIntire, to pass:

Resolution No. 2012-145, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE GRANT FUNDING FOR FISCAL YEAR 2012-2013 FROM THE AREA AGENCY ON AGING AND DISABILITY

Passed: All present voting "aye."

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4. Consideration of a Resolution Authorizing the Mayor to Execute a Lease with James Palmer for City-Owned Real Property Located at 2102 East Center Street (AF: 44-2012).

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-146, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR PROPERTY AT 2102 EAST CENTER STREET WITH JAMES H. PALMER AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Gordon Food Service and Authorizing the Mayor to Sign All Applicable Documents (AF: 57-2012).

Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2012-147, A RESOLUTION AUTHORIZING THE RENEWAL OF THE AGREEMENT FOR VARIOUS GROCERY ITEMS FOR USE BY KINGSFORT SCHOOL NUTRITION PROGRAM TO GORDON FOOD SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

6. Consideration of a Resolution Approving a Fiber Purchase Agreement with Domtar Paper Company, LLC (AF: 54-2012).

Motion/Second: Parham/Joh, to pass:

Resolution No. 2012-148, A RESOLUTION APPROVING A FIBER PURCHASE AGREEMENT WITH DOMTAR PAPER COMPANY, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye" except Segelhorst "abstaining."

7. Consideration of a Resolution to Enter into a Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Operating Expenses for FY11 (AF: 42-2012).

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-149, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF CITY TRANSIT SYSTEM OPERATING EXPENDITURES FOR FISCAL YEAR 2011-2012

Passed: All present voting "aye."

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8. Consideration of a Resolution Approving an Amendment to the Management Agreement for MeadowView and Authorizing the Mayor to Execute the Same (AF: 50-2012).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2012-150, A RESOLUTION APPROVING AN AMENDMENT TO THE MANAGEMENT AGREEMENT WITH MARRIOTT HOTEL SERVICES, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

9. Consideration of a Resolution Appointing Commissioners for the Tri-Cities Airport Authority (AF: 48-2012). Mayor Phillips noted that the same individuals were involved under the new airport authority. City Manager Campbell confirmed this would be the last step needed to set up their corporation.

Motion/Second: Shupe/McIntire, to pass:

Resolution No. 2012-151, A RESOLUTION APPROVING THE APPOINTMENT OF COMMISSIONERS TO THE TRI-CITIES AIRPORT AUTHORITY

Passed: All present voting "aye."

10. Consideration of a Resolution Approving a Renewal of a License Agreement with the Tennessee Department of Transportation for Use of Certain Real Property Beneath the Interstate 26 Bridges (AF: 52-2012).

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-152, A RESOLUTION AUTHORIZING RENEWAL OF A LICENSE AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION THE PURPOSE OF CONSTRUCTING INSTALLING AND MAINTAINING A GREENBELT TRAIL AND PARKING AREA UNDER THE INTERSTATE 26 BRIDGES OVER THE HOLSTON RIVER AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE RENEWAL

Passed: All present voting "aye."

11. Consideration of a Resolution Approving a Renewal of a Lease Agreement with the Tennessee Department of Transportation for Use of Certain Real Property Beneath the Interstate 26 Bridges (AF: 53-2012).

Motion/Second: Parham/Mallicote, to pass:

Resolution No. 2012-153, A RESOLUTION AUTHORIZING RENEWAL OF A LEASE AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION THE PROPERTY BENEATH THE INTERSTATE 26 BRIDGES OVER THE LONG ISLAND OF THE HOLSTON RIVER FOR PARKING AND

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AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY AND
PROPER TO EFFECTUATE THE RENEWAL

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

**1. Consideration of Reappointments to the Meadowview Resort &
Convention Center Advisory Committee (AF: 38-2012).**

Motion/Second: McIntire/Joh, to approve the following:

REAPPOINTMENTS OF MESSRS. MILES BURDINE, OLAN JONES, KEN MANESS,
MIKE O'NEIL AND LYNN SHIPLEY TO SERVE ANOTHER THREE-YEAR TERM ON
THE **MEADOWVIEW RESORT & CONVENTION CENTER ADVISORY COMMITTEE**,
EFFECTIVE IMMEDIATELY AND EXPIRING JANUARY 31, 2015

Passed: All present voting "aye."

**2. Consideration of an Appointment to the Meadowview Resort &
Convention Center Advisory Committee (AF: 39-2012).**

Motion/Second: McIntire/Joh, to approve the following:

APPOINTMENT OF MR. WAYNE CULBERTSON TO SERVE A THREE-YEAR TERM
ON THE **MEADOWVIEW RESORT & CONVENTION CENTER ADVISORY
COMMITTEE** EFFECTIVE IMMEDIATELY AND EXPIRING JANUARY 31, 2015

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: McIntire/Joh, to adopt:

**1. Consideration of an Ordinance Amending Kingsport City Code
Section 94-156(a) Pertaining to the Membership of the Sidewalk Board
(AF: 36-2012).**

Adopt:

**Ordinance No. 6179, AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 94-156(a)
RELATING TO THE CREATION AND DUTIES OF THE SIDEWALK BOARD; AND
TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham,
Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the FY12 General
Purpose School Fund Budget (AF: 40-2012).**

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Adopt:

Ordinance No. 6180, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

NOTE: At this time, Mr. Todd East, Chair of a special committee appointed by the Board of Education, presented to the BMA the committee's recommendation regarding the future of J. Fred Johnson Stadium. He described possible options, outlining the pros and cons of each one and ultimately recommended enhancing the stadium to increase the number of seats and bathrooms while adding an elevator and other safety features. Mr. East further noted if this project was put off, the costs would only increase and people would be shut out of the football games. He also stated that the new seating would generate revenue to offset the cost.

Mayor Phillips stated he was concerned that a project of this size was just now coming before the Board, especially if the issues of concern have been on the school system's radar for some time. Board of Education member Betsy Cooper stated she was not representing the BOE at this time and they have not made a formal recommendation on this project since they have only discussed it at one work session. She did mention that this project has been looked at several times over the last thirty years. Ms. Cooper did state that as a citizen of Kingsport and a football fan she was in favor of this project.

Bill Brock spoke, representing Dant Clayton, the design build company from Louisville, Kentucky that has been consulted on this project. Mr. Brock gave a brief presentation on the background of the company and discussed the proposed changes to the stadium. He also provided details on how the cost estimate was calculated. Mr. Brock commented that the easiest way to accomplish what needed to be done was to expand the stadium and add the additional seating.

The high school track coach, Mr. Bob Bingham and the football coach Mr. Graham Clark both spoke in favor of this project, noting the current facilities were not meeting the needs of students and visitors. Ms. Jenny Rogers, citizen, also spoke in favor, pointing out that money spent can't go wrong if it's for the kids. Mayor Phillips voiced concerns, noting the lighting needs to be fixed and was not included in this estimate. He also pointed out this was a lot of money based on a gut feeling that enough seats would be sold to pay for it. Alderman Joh commented this should have been done before and needs to be done now, and at least this way does offer a solution to help pay for it.

There was considerable discussion. The Mayor requested an official poll be taken to get an idea of how many seats would actually sell. He also stated that everything should be included in this remodel, including the lights and the scoreboard. Lastly, he asked the Board of Education to make a formal recommendation to the BMA about this project, noting the BMA would not be forced into making a quick decision without more facts.

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VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell stated he appreciated Alderman Mallicote's role as one of his bosses. He further commended Mr. Mallicote's stewardship of the city and his advocacy for downtown.

B. MAYOR AND BOARD MEMBERS. Alderman Mallicote stated that it is with great sadness that he leaves the Board of Mayor and Alderman, noting he felt good about what the BMA has accomplished during his tenure. Mr. Mallicote thanked the city employees as well as present and past Board members. He also commended the Mayor's leadership. He stated it was an honor to serve and he was thankful for the opportunity.

Alderman McIntire offered thanks and appreciation to Mr. Mallicote for serving the last seven years and wished him the best in the future.

Alderman Segelhorst thanked Mr. Mallicote for his guidance, wisdom and knowledge. He also mentioned that FunFest had won two awards at the Southeast Festival and Event Planners Convention currently being held at Meadowview.


Vice-Mayor Parham stated it has been a pleasure to serve with Mr. Mallicote, noting that people like what the BMA is doing.

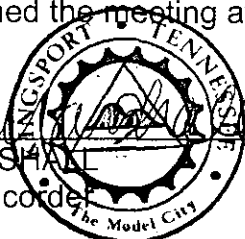
Alderman Shupe stated he that he agreed with Mr. Mallicote's comments regarding the Mayor. He further commented that he was encouraged by Mr. Mallicote's passion as a young leader, noting he was a great example.


Alderman Joh stated Mr. Mallicote would be impossible to replace, noting she would miss his legal mind and adversarial ability.

C. VISITORS. Mr. Bill Anders and Mr. John Hollowell, representing the Kingsport Firefighter's Association presented Alderman Mallicote with a plaque, thanking him for working with the fire department on several issues and wishing him success on his future endeavors. Mr. Bill Hudson commented on the benefits of communication.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:35 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor